

REMARKS

After entry of this amendment, claims 1-56 will be pending.

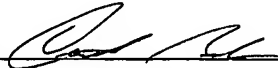
Claims 1-6, 8, 10, 11, 15-19, 27-31, 33, 35, 36, 38, 39 and 43-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,483,965 to Napier et al. (hereafter the '965 patent). In the rejection, the Examiner states that the '965 patent discloses a solid state laser means, i.e., a Nd:YAG laser, for producing a fourth harmonic laser beam having a wavelength of approximately 266 nanometers. Applicants respectfully note that the section referred to recites that the fourth harmonic of the Nd:YAG laser is 266 nanometers, not "approximately" 266 nanometers. Although Applicants maintain that 266 nanometers is not in the claimed range of "approximately 230-250 nanometers", to clarify this particular distinction between the cited art and the invention the term "approximately" has been struck from both rejected independent claims 1 and 27. Furthermore as the fourth harmonic cited by the '965 patent is at a wavelength of 266 nanometers, Applications submit that it would not have been obvious to modify the disclosed apparatus to achieve the presently claimed apparatus.

As the cited art does not disclose a solid state laser means with a fourth harmonic "having a wavelength in the range of 230 to 250 nanometers" as presently claimed, and therefore does not disclose or suggest an apparatus for producing a diffraction pattern in an optical fiber comprising solid state laser means for producing a fourth harmonic laser beam having a wavelength in the range of 230 to 250 nanometers, Applicants submit that claims 1-6, 8, 10, 11, 15-19, 27-31, 33, 35, 36, 38, 39 and 43-46 are novel and non-obvious in light of the cited art.

The Examiner has noted that claims 53-56 are presently allowable over the prior art of record. The Examiner has also kindly noted the allowability of claims 7, 9, 12-14, 20-26, 32, 34, 37, 40-42 and 47-52 if rewritten to include the base claim and any intervening claims. However for the reasons noted above Applicants believe that all pending claims are now in condition for allowance and therefore have not rewritten claims 7, 9, 12-14, 20-26, 32, 34, 37, 40-42 and 47-52.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (415) 889-5700.

Date: July 12, 2004 Respectfully submitted,

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